

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CASE NO. 3:09-CR-249-D
	§	
NATHAN SHAFER	§	

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**DEFENDANT SHAFER'S RESPONSE TO GOVERNMENT'S MOTIONS TO HAVE  
CASE DECLARED COMPLEX AND CONTINUE TRIAL DATE**

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TO THE HONORABLE SIDNEY A. FITZWATER, CHIEF JUDGE, UNITED STATES  
DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION:

Comes Now Nathan Todd Shafer, a Defendant in this cause and files his response to the  
Government's motion to have this case declared complex and to continue the trial date that the  
government contends is unopposed, and would show the Court as follows:

I.

The government initially erroneously labeled its motion "unopposed" even though the  
government acknowledges that Defendants Shafer and Simpson actually communicated to AUSA  
Heath that they opposed the motion. The next day the government filed an identical motion without  
"unopposed" in the title. Defendant Shafer opposes both motions and declines to waive his federal  
Speedy Trial Act rights and his Constitutional speedy trial rights.

II.

The conspiracy in the one count indictment is alleged to have begun in about March, 2003  
and continued to in or about July, 2009. A portion of the indictment is still sealed as to defendants  
1, 2, 8 and 9. The government has refused reveal the identity of the defendants in the sealed part

of the indictment but has told defense counsel that Michael Faulkner is the primary target of the government's investigation. Defendant Shafer believes that the first person listed in the indictment is Michael Faulkner. The Defendant had a business relationship with Michael Faulkner for about 4 months, from about November, 2008, through about February, 2009, at the very end of the time period covered by the conspiracy allegation. Defendant Shafer has met defendant Simpson on one or two occasions but otherwise has no knowledge or information about Mr. Simpson or his business dealings. Defendant Shafer does not at all know defendants Haney, Littlejohn and Smallwood.

### III.

The government contends that this case is "complex" within the meaning of the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(B)(ii), due to the complexity of the facts involved in a six year conspiracy, the voluminous nature of the discovery materials and over 10,000 pages of paper acquired from seizures, subpoenas and voluntary disclosures. As Mr. Shafer's involvement with Michael Faulkner was only for about 4 months, the case is not complex as to him because the discovery materials should only relate to Mr. Shafer and this brief business relationship between Faulkner and Defendant Shafer over a four month period and should not relate to any of the other defendants. An indication of the very limited relationship that Mr. Shafer has to the allegations in the indictment is that the government has seized, and seeks to forfeit, only \$2,652.96, that was seized from a bank account attributed to the Defendant. Thus, the discovery material that may relate to Defendant Shafer should be very manageable. While the government has said that the Defendant can have access to all of the 300 computers and 200 terabytes of data, as far as Mr. Shafer is concerned, that is like the government telling Shafer that the needle is in the haystack somewhere and he is free to find it. Defendant Shafer believes that the government can identify any documents,

emails, bank records or other documents that relate to Mr. Shafer and the narrow period of time that he engaged in some business activities with Mr. Faulkner. Defendant Shafer believes that if the government provides Mr. Shafer with some reasonable direction in identifying the discovery material that is relevant to him, that he can be ready for trial by the current trial date. Accordingly, Defendant Shafer contends that this case is not complex as to him and that a continuance is not necessary.

WHEREFORE, Defendant Shafer prays that the Court deny the Government's motion to declare this case complex as to him and deny the government's motion for continuance as to him.

Respectfully Submitted,

/s/ J. Craig Jett  
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was served electronically on all counsel of record in this case by means of the ECF system at the time of electronic filing on October 2, 2009.

/s/ J. Craig Jett  
J. Craig Jett